

26 SEP 6 2001

**Before the State of South Carolina
Department of Insurance**

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

In the matter of:

SCDI File Number 2001-109215

Kenneth B. Howard

384 West Autumn Ridge Road
Moore, South Carolina 29369

**Consent Order
Imposing Administrative Fine
And Allowing Licensure**

This matter now comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Kenneth B. Howard (Howard), a formerly licensed resident insurance adjuster.

On September 15, 1999, I issued a default order revoking the license of Howard to transact business within the State of South Carolina. In summary, that Order found as ultimate fact that, while licensed to do business as a resident insurance adjuster within the State of South Carolina, Howard failed to notify the Department of a change of his residential address in violation of § 38-47-15 of the South Carolina Code. That Code provision requires an insurance adjuster to notify the Department within 30 days of any change in [business or residential] address. Section 38-47-70 states, in pertinent part, that the Director of Insurance may revoke an adjuster's license when he determines "after investigation that there has been a violation of this title by an adjuster." The Department notified Howard of his right to request a public hearing, but he did not contact the Department to avail himself of that opportunity. Counsel for the Department filed an affidavit of default, and I issued my order.

By letter dated August 3, 2001, Howard expressed interest in reinstating his South Carolina adjuster's license. After reviewing the matter, the Department determined that Howard's license could not be reinstated, but that Howard could reapply for licensure. Accordingly, Howard and the Department have agreed, rather than contesting this matter, to submit it to me, along with their specific recommendation, for my summary decision based solely upon the record. That recommendation was that Howard would timely submit to the Department an administrative penalty in the amount of \$500 dollars together with a new resident insurance adjuster's application, the Department would not consider the previous revocation in reviewing the application and determining Howard's qualification for licensure.

I hereby invoke the discretionary authority given to me and impose against Howard an administrative fine in the total amount of \$500. *See* S.C. Code Ann. § 38-2-10 (Supp. 2000). That fine must be paid within fifteen days of the date of my signature upon this consent order.

This administrative penalty has been reached by the parties in consideration of Howard's assurance that in the future he will comply with the state's insurance laws, particularly that of timely notifying the Department of any changes in his business or personal addresses.


KBH Kenneth B. Howard

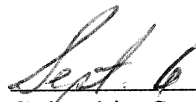
By his signature upon this consent order, Howard acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (3) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Kenneth B. Howard shall, within fifteen days of the date of my signature on this consent order, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$500. In addition, Howard must also reapply for a license to do business as a resident insurance adjuster within the State of South Carolina.

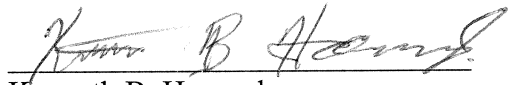
It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states. This consent order supersedes and replaces the administrative order issued by me on September 15, 1999 against Howard.

This consent order becomes effective as of the date of my signature below.


Ernst N. Csiszar
Director


Sept. 6, 2001, at
Columbia, South Carolina

I CONSENT:


Kenneth B. Howard
384 West Autumn Ridge Road
Moore, South Carolina 29369
Dated this 31 day of August, 2001.